IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITIONNO. 115 OF 2005
IN
WRIT PETITIONNO. 2190 OF 2004

KHANDWALA (SRA) CO-OP-
HOUSING SOCIETY LTD. ... PETITIONERS.
VS.
THE STATE OF MAHARASHTRA
AND ORS. ... RESPONDENTS.

A.C.SINGH I/B.D.R.SHAH FOR THE PETITIONERS.
P.G.SAWANT AGP FOR RESPONDENT NO. 1 & 3.
G.D.UTANGARE FOR RESPONDENT NO.2.
S.G.SURANA FOR RESPONDENT NOS. 5 TO 7

Coram : S.K.Shah, J.
Date : August 11, 2006.

P.C.

1. The contempt is alleged of the Order, dated 26th October, 2004, passed in this writ petition. The direction in the Order was that the Petitioners are directed to demolish the present transit accommodation on or before 31st March, 2005. This direction was given on the undertaking given by the SRA to get the plan of the Petitioners' building sanctioned within two weeks.

2. The grievance is that the plan has not been got sanctioned and there has been no demolition of the temporary transit accommodation.

3. The learned Counsel for the Respondents SRA points out that subsequent thereto an Order was passed in Writ Petition No. 604 of 2005, which was filed by the society of the Hutment dwellers, wherein it was made clear that the Order passed on 26th October, 2004 in this Writ Petition i.e. Writ Petition No. 2190/04, filed by the Developer that, that Order (Dated 26th October, 2004) would be subject to the Orders that would be passed in Writ Petition No. 2497 of 2004, which was filed by the Society of the Flat Purchasers in the said Krishna Galaxy building.

4. There is another order passed on 28th April, 2005 in Writ Petition No. 2497/2004, which was alongwith the Notice of Motion No. 113 of 2005 in Writ Petition No. 2190/04 i.e. the present petition. The said petition was filed by the Purchasers of the said building (Krishna Galaxy Residents Association). It is in that writ petition that the following direction was given :-

> "SRA has submitted approval granted to the RIA building by the notice dated 5th June, 2004 . No further steps will be taken thereof till further Orders of this Court."

5. Considering the Order dated 26th October 2004,

that was made subject to the Order, that may be passed in Writ Petition No. 2497 of 2004. By virtue of the aforesaid direction, it has an effect of staying the operation of that Order, as submitted by the learned Counsel for the SRA. Therefore, if the Petitioner has any grievance, he can make that grievance before the Court in Writ Petition No. 2497 of 2004, where the petitioner is the party.

6. Under the circumstances, I do not find any merit in this contempt petition. Consequently, the contempt petition stands disposed of.

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[S.K.Shah , J.]